



Migration and Asylum in EU Regions: Towards a multilevel governance approach

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1. Introduction

The main objective of this issue paper is to discuss how regional administrations in the EU could improve public governance on migration and asylum policies. In this context, it is important to consider that migration is not a new phenomenon in the European countries, although over the past five years, the Syrian crisis has heavily impacted in different European regions. The first part of this issue paper (chapter 2) will focus on this historical process, as well as on the building of the European migration and asylum policy, which is work in progress, to analyse to what extent the role of regional authorities is taken into consideration.

Since 1999, relations with countries of origin and transit of migration flows have been part of building the European Migration and Asylum Policy. The European Commission has been recently strengthening this external dimension, while European regions have been mainly focused on the internal dimension of migration policies, as shown in this document. However, the external dimension is not alien to the regions, which have accumulated a great deal of experience in international cooperation relations. The relationship between the regions' external cooperation policies and migration, as well as their role in EU programmes and policies on these topics, is undoubtedly an area to be explored further in the short term.

Although migration and asylum policies usually are an exclusive competence of the central governments, regions and cities in the EU countries have gathered significant involvements and experiences regarding reception systems and integration policies and instruments. The second part (chapter 3) of this issue paper includes an overview of the competences framework in different CPMR regions, mainly focused on the reception and accommodation of asylum-seekers and refugees, as well as migrants, and integration policies. Understanding the starting position of each region is crucial to define its future roles and room for improvement.

Since migration is not new, significant experiences could be collected from different European regions. The third part (chapter 4) of this issue paper includes a short compilation of these experiences, at regional level, in the reception and accommodation of asylum-seekers and migrants, as well as experiences and actions on diversity management, social inclusion, and integration policies.

The second and third part of this document are based on the preliminary results of an internal survey performed by the CPMR in 2017-2018 on *“Migration management in the CPMR Regions: reception and integration measures, needs and potential, towards a multilevel migration management”*. The information arising from the above-mentioned survey that has been included in this issue paper is not exhaustive. Nevertheless, is meant to provide evidence for its reflections and recommendations.

Lastly, the final part of this issue paper (chapter 5) aims to summarise the knowledge and experiences gained from the current situation in several CPMR regions, and to provide some room for improvement in the role of the European regions in promoting a better management of migration flows and the building of inclusive societies. The role of regions in the multilevel governance on migration and asylum topics, as well as the opportunities to contribute to the debate on the 2015 Agenda for Migration and the Common European Asylum System (CEAS), and the participation in the EU financial instruments on these topics will be also discussed in this part.

2. Context: migration in Europe and the European migration and asylum policy. Is there a role for the regions?

To understand the current discussions on migration and asylum in the EU countries and regions, a short diachronic overview of migration flows could be useful. Furthermore, understanding the process of how the European common policy on migration and asylum has been constructed could be useful to learn about the roles that region play (and could play) in relation to migrants, asylum-seekers and refugees in their territories.

2.1. Migration in Europe: a general overview

Migration in Europe is a longstanding phenomenon. Since the end of the Second World War, Europe has undergone a shift from a region of net emigration to one of net immigration. Despite differences between countries in terms of migration flows, stocks and integration models, since the creation of the European Economic Community (EEC and predecessor of the current European Union), a progressive lessening of restrictions on labour mobility between EU Member States has taken place.

This promotion of labour circulation is, in a sense, a return to the past. Although travel permits have been known since the Persian Empire, in the later part of the nineteenth century and up to World War I, passports were not required, and crossing borders was a relatively straightforward procedure. During World War I, European governments introduced border passport requirements for security reasons, and to control the emigration of people with useful skills. These controls remained in place after the war, becoming a standard procedure worldwide as the League of Nations offered general guidelines on this topic after the 1920 and 1926 conferences.

Then, during World War II, Europe faced the mass evacuation, forced displacement, expulsion, and deportation of millions of people. In fact, in the [aftermath of the World War II refugee crisis](#), the world set up the first legal protection regime for refugees (most of them of European background) and created a plethora of multinational organisations to assist refugees. The United Nations Relief and Rehabilitation Administration was set up in 1943, to provide humanitarian relief to the huge numbers of potential and existing refugees in areas facing Allied liberation. UNRRA helped about 8 million refugees and it ceased operations in Europe in 1947, and in Asia in 1949. It was replaced in 1947 by the [International Refugee Organization](#) (IRO), which in turn evolved into [United Nations High Commissioner for Refugees](#) (UNHCR) in 1950.

Also in the 1950s, when Europe was beginning to recover from the devastation of World War II and experiencing a period of intense economic growth, labour mobility was again encouraged. Because the lack of skilled workers was seen as a threat to the economy, freedom of movement of qualified industrial workers was included in the treaties founding the EEC in 1957. Over 8 million work permits were issued to foreigners in Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany during the guest-worker period of 1958 to 1972. One-third of the foreign workers came from within the EEC; mainly from Italy, Spain or Portugal, which were lagging behind in industrialisation and suffered from high unemployment. Workers were also recruited through bilateral agreements from outside of Europe as well: significant numbers of guest workers, for example, migrated from Turkey to Germany, from Algeria to France, and from the British Commonwealth countries to Britain.

The oil crisis that started in 1973 was an inflection point in these pull policies to attract migrant workers. The idea of 'guest-workers' was to welcome migrants when the economy needed them

but who were expected to leave when times were hard. But the closed-doors policies did not work well: not only most of the guest workers were able to stay, but many of them reunited their families in the destination countries, after living there for long periods of time.

Since the 1970s, migration has become a common reality for most EU countries. In fact, countries of origin (of migration flows) such Italy or Spain, became countries of transit (to other EU countries) in the 80s and 90s, and countries of destination since then. Furthermore, as these migration movements continued, the EEC worked on reducing border control formalities within Member States. The Schengen Agreement, which first came into effect in 1995, created a common, essentially borderless area between certain European countries, wherein travel credentials were only required at the external borders of this area. This creation of an area of free movement of people is the origin of the European Policy on Migration and Asylum, incepted in the European Council of Tampere in 1999.

In 2004, as a new agenda (The Hague Agenda) was set up to continue developing the European common policy on migration and asylum, the EU was enlarged with ten new Member States. The link between enlargement and migration quickly arose as media estimates of the potential wave of economically motivated migration from the Central and Eastern European countries varied from 5 million to 40 million people. Restrictions measures were set up for a transitional period, to avoid fears of unlimited labour migration flows from the new EU countries to the EU-15 ones (this is the idea behind the expression and fears about the “*plombier polonais*” or so-called “Polish plumber”).

In this new context, in which the aftermaths of the 09/11 attacks also played a role in securitising migration policies, Member States were highly sensitive to giving up competences on migration, border control and asylum to the EU level. Similarly, central governments were reluctant to transfer competences to regional and local authorities. This tension has been evident during the so-called ‘refugees’ crisis’ that started in 2015, in which local and regional authorities seems willing to help and accommodate more asylum seekers and refugees than national governments, although they do not have competences in providing international protection.

2.2. The Construction of the European Migration and Asylum Process

Building an area of freedom, security and justice is a fundamental pillar of the European Union. This pillar affects the citizens in a direct manner, and while it has the potential to bring the European project closer to the people, it could also increase a sense of alienation. Immigration policy is one field in which the area of freedom, security and justice has been developing actions and instruments since 1999 (European Council of Tampere), along with the implementation of free movement within the EU and the common external borders management.

The reluctance of Member States to surrender some of their competences to reach unanimous agreements in immigration policies, along with the perverse effects of the 9/11 terrorist attacks – which highlighted concern for the security dimension in matters of Justice and Home Affairs – contributed to delaying the development of the Tampere mandate to develop “common immigration and asylum policies taking into account the need for consistent control of the external borders to stop irregular migration and combat those who organise it and commit related crimes”. This is why in 2004 the European Commission needed to propose a new agenda, called The Hague Programme, which aimed to continue the Tampere agenda by reinforcing an area of freedom, security and justice for the period 2005-2009. The Stockholm Programme replaced it in 2009 and, in 2015, the European Agenda on Migration. Unlike the previous working plans, the 2015 Agenda is

not a working plan but a set of guidelines to mainstream the development of a European migration and asylum policy.

Since 1999, the different programmes have pointed to four key elements in the conception of a common European policy: (1) an efficient management of immigration flows; (2) a more integrated approach to immigration working in partnership with countries of origin and transit; (3) fair treatment for third-country nationals; and (4) the development of a Common European Asylum System.

One of the objectives common to the Member States, and assigned to the Union, is the creation of a common immigration policy. This policy brings together measures directed towards third-country nationals who establish themselves permanently (either legally or irregularly) in the European Union. Title V of Part 3 of the Treaty on the Functioning of the European Union, on the area of freedom, security and justice, devotes chapter 2 to policies on border checks, asylum and immigration, specifies the objectives pursued and confers on the Union the competence to attain them. The Union's competence concerning immigration was originally conferred upon it by the Treaty of Maastricht, within the former third pillar, and was placed within Community competence by the Treaty of Amsterdam, in Title IV TEC (Article 63(3) TEC). The Treaty of Lisbon, in line with the constitutional treaty, clarified the division of competences between the Union and its Member States (Title V of Part 3 of the Treaty on the Functioning of the European Union).

At the beginning of 2018, the European Union is far from completing the area of Freedom, Security and Justice promised to the citizens by the Treaty of Lisbon. Much progress have been made, but the result is a very fragmented and imbalanced legal and political construction, and therefore so are legal instruments, policies and programmes.

Member States and the EU are cooperating in so called 'fighting illegal migration', under the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals, adopted in 2008. Policies and programmes in this area have been enhanced, and FRONTEX is an operational EU border Agency. But migration policy itself is developed only partially, and is very much focused on developing common schemes for highly skilled migrants, including students and researchers. The EU lacks legal instruments and policies to build on a comprehensive management of international mobility and on international migration governance.

The Common European Asylum System (CEAS) is supposed to be a more consistent set of rules, made up of three directives (Directive on asylum procedures, Directive on qualification and the Directive on reception conditions, each defining the common procedures for the review and resolution of the asylum application, the minimum standards for qualification as a person in need of international protection, the minimum standards of reception, and the Dublin Regulation. The Dublin Regulation establishes the State responsible for processing each petition and granting effective protection if the claim is founded, on the bases of the three cited Directives. It establishes that each submitted application has to be examined, in principle, by a single "responsible State". It establishes that the responsible State will be the first country of entry, unless "objective criteria" on family ties or the circumstances surrounding the entry or stay in the EU requires otherwise. EURODAC registers the asylum seeker's fingerprints at the entry to the EU in order to better determine the first EU arrival country. EASO has been created as an asylum support office, while it is foreseen as a proper EU asylum agency. EU funds have been allocated to help increase capacities of Member States with a weaker national asylum system.

The CEAS has been under great strain since its inception both for internal-functioning problems and external pressures.

2.3. The 2015 European Agenda on Migration

In 2014, when the new European Commission started its five-year mandate, President Juncker defined 10 priorities for this period. Stating that the European Union was facing unprecedented challenges (from high unemployment, slow economic growth, migratory pressure and environmental and security challenges), the 10 identified priorities should be key to guide the EU institutions' work. One of these priorities was Migration, and although in the beginning the challenge seemed to be the need to reformulate the blue card system and to provide better mechanisms to balance labour market needs and migration flows, it dramatically changed in 2015. Since then, the Commission's agenda on migration outlines an immediate response to the crisis situation in the Mediterranean and sets out longer term steps to manage migration in all its aspects.

The European Agenda on Migration 2015-2020, presented on May 13, prescribes short-term and long-term solutions. In the short-term solutions, the Commission proposed a plan to relocate, initially, 40,000 people "in clear need of international protection". The quota system generated oppositions from different Member States, particularly Great Britain, France and the four Visegrad Group countries (Hungary, Poland, Czech Republic and Slovakia). Finally, Member States reached a partial agreement on the matter, and 140,000 people should be relocated from Greece and Italy and 20,000 from outside the EU from 2015 to 2017. Solidarity among Member States was at stake, although the risk of breaking it has been pointed out as a key challenge for the entire Schengen system.

In contrast, Member States have unanimously decided to launch the military operation EUNavfor Med, whose mission is to "identify, capture and dispose of vessels and assets used or suspected of being used by smugglers or traffickers, in accordance with applicable international law". The goal is to launch missions to "detect and monitor migration networks" in order to "dispose of them or render them inoperable" afterwards, in particular in Libyan territorial waters.

Also as far as short-term measures are concerned, the Agenda aims to strengthen the role of Europol as an intelligence hub for dismantling criminal networks and to establish a pilot multi-purpose centre in Niger, in cooperation with the International Organization for Migration and the UN Refugee Agency. An altogether new concept, the Hotspot, will allow EASO, Frontex and Europol to work on the ground in affected EU Member States to swiftly identify, register and fingerprint arriving migrants and to assist in investigating and dismantling migrant smuggling networks.

In the medium and long-term actions, the Agenda states the need to reduce the incentives for irregular migration by addressing the root causes behind irregular migration in non-EU countries, dismantling smuggling and trafficking networks and defining actions for the better application of return policies. Secondly, the need to save lives and secure the external borders by improving the management of external borders. Third, strengthening the common asylum policy by reinforcing solidarity towards those needing international protection as well as among the EU Member States, whose full application of the common rules must be ensured through systematic monitoring. Finally, the need for a renewed policy on legal migration by developing a new framework focus on attracting workers that the EU economy needs, particularly by facilitating entry and the recognition of qualifications.

Following the Agenda on Migration, and to manage the external dimension of EU migration policy, three different instruments have been created, namely the EU Trust Fund for Africa (known as La Valletta fund); the EU Regional Trust Fund in response to the Syrian crisis (the MADAD Fund) and the Africa Investment Facility (AfIF), which is a financial mechanism that combines grants with other

resources such as investment loans and technical assistance. Afterwards, the European Union launched the new European External Investment Plan (EEIP). The EEIP, with the European Fund for Sustainable Development (EFSD) at its centre, provides a coherent and integrated framework to improve investment in Africa and the EU Neighbourhood, in order to promote decent job creation, sustainable development and tackle some of the root causes of migration. The EFSD also takes over the running of the pre-existing Africa Investment Facility (AfIF).

No specific mention of the regions as key players has ever been included in any of the programmes or in the migration agenda.

In any case, developing the 2015 European Migration Agenda's long-term proposals could (or should) be an interesting opportunity for regions.

2.3.1. The Common European Asylum System - CEAS

Despite the 2013 reform, the EU Agenda for Migration in 2015 calls to strengthen the common asylum policy, based on solidarity towards those needing international protection as well as among the EU Member States, and ensure full application of the common rules through systematic monitoring.

For that to be achieved The European Commission presented in May 2016 a proposal to recast the Dublin Regulation with the aim of reinforcing the effectiveness of the system, understood as effectively reinforcing the principle of a single State responsible for the procedure and reception, while creating a 'solidarity' mechanism between Member States in case of extraordinary flows, as set out in article 78.3 of the Treaty on the Functioning of the European Union. Proposal for a regulation to reform the Dublin system; a proposal for a regulation to amend Eurodac; and a proposal for a regulation to establish an EU Asylum Agency which is to replace the European Asylum Support Office (EASO).

In July 2016 the Commission put forward the second package for the CEAS reform which includes a proposal for a new regulation to replace the Asylum Procedures Directive; a proposal for a new regulation to replace the Qualification Directive; and targeted modifications of the Reception Conditions Directive. The reform wants to ensure all Member States fully implement the CEAS and act in a consistent manner. The Directive on Reception Conditions includes disincentives for secondary movements of asylum seekers within the EU.

Along with the debate of this package, bitter political confrontations at the Council of Ministers have driven the compulsory mechanism of relocation to an end, with no alternative proposal to comply with the solidarity clause of the Treaty.

2.3.2. Migration

In 1999, the European Council, in its first meeting devoted to interior affairs and justice, acknowledged "the need for approximation of national legislations on the conditions for admission and residence of third country nationals, based on a shared assessment of the economic and demographic developments within the Union, as well as the situation in the countries of origin", and requested "to this end rapid decisions by the Council, on the basis of proposals by the Commission". The Council also stressed "the need for more efficient management of migration flows at all their stages. It calls for the development, in close cooperation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings". Fighting illegal migration was clearly linked

to the development of a European migration policy. This was one of the main conclusions of the Tampere European Council, just before the end of the last century.

Almost twenty years after this decision, there is no such common basis for migration policy. Lack of consensus among member States on the Commission's proposals have made it impossible to conceive a holistic and consistent policy in this area. Today we have a set of legal instruments setting some bases for a small number of migrant categories: highly-qualified workers, researchers, students and trainees, intra-corporate transferees and seasonal workers.

In 2015 the Migration Agenda¹ proposed (again) the need to look at the mid and long term and “develop a new policy on legal migration: in view of the future demographic challenges the EU is facing, the new policy needs to focus on attracting workers that the EU economy needs, particularly by facilitating entry and the recognition of qualifications”.

So far, the only bit proposed by the Commission is a recast of the Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment for high level qualified workers², to set a more common basis between Member States for its implementation. The aim of this reform is to increase the EU's attractiveness for this category of worker, as the Commission, after a consultation, has stated that other OECD countries are in a better position than EU in this respect.

This is the only element to develop Chapter III.4 of the European Migration Agenda included in the Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy,³ presented on 7th December for the Council meeting on 14th December.

The need to set the principals and rules to manage migration in a globalised world is widely accepted. But the way migration is being used in the political arena is preventing decision-taking and action in this field. As a matter of fact, all governments try to communicate on migration control and the so-called ‘fight against illegal migration’, but there is less interest in promoting public debate on how we can govern it. This is always the hidden part of the agenda, and decision-taking is very difficult at national level and therefore at EU level.

The lack of ambition in this area is creating troubles at different levels. On the one hand, it makes the international governance of migration more difficult, as many countries involved are asking for regular channels for migration along with more convenient visa systems. On the other hand, territorial administrations are suffering the effects of a system which is very much focused on irregularity. They are often obliged to meet basic needs of their *de facto* population that is neither returned nor regularised in the short to mid-term.

2.3.3. EU Funding and the Multiannual Financial Framework

The Asylum, Migration and Integration Fund (AMIF) was set up for the period 2014-20, with a total of EUR 3.137 billion for the seven years. The AMIF is currently the European Commission's sole

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A EUROPEAN AGENDA ON MIGRATION Brussels, 13.5.2015 COM(2015) 240 final

² DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment Strasbourg, 7.6.2016 COM(2016) 378 final.

³ Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy, Brussels, 7.12.2017 COM(2017) 820 final.

instrument for financing migration and asylum policies in the European Union (in its internal dimension). The main objectives of AMIF are:

- Strengthening and developing the Common European Asylum System by ensuring that EU legislation in this field is efficiently and uniformly applied
- Supporting legal migration to EU States in line with the labour market needs and promoting the effective integration of non-EU nationals
- Enhancing fair and effective return strategies, which contribute to combating irregular migration, with an emphasis on sustainability and effectiveness of the return process,
- Making sure that EU States which are most affected by migration and asylum flows can count on solidarity from other EU States

88% of the funds go towards implementing the Member States' multiannual National Programme. The implementation of some particular actions of the National Programmes of EU States responding to specific EU priorities and support the EU's Resettlement Programme gets 10%. Both parts of the budget are share-managed with Member States. Another 12% is implemented through direct management and goes to EU actions, emergency assistance, technical assistance and the European Migration Network.

The structure and the management of AMIF is obviously not adequate for regional participation. In fact, few regions had access to it, although regions are particularly instrumental in actions aiming to meet the second mentioned objective.

The EC Communication "Contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy" (December 2017) assesses that since the onset of the crisis, the available funding initially programmed for migration was increased by 74.6% (EUR 6 billion) until 2020 to support interventions in all Member States.

Other financial instruments are currently used to varying degrees. The main programmes are the Internal Security Fund (ISF), European Social Fund (ESF), EU Programme for Employment and Social Innovation (EaSI), the Fund for European Aid to the Most Deprived (FEAD) and the European Regional Development Fund (ERDF). Eligible and specific actions related to migration can be also found in the Justice Programme, Creative Europe, Europe for Citizens Rights, Equality and Citizenship, Erasmus+, EU Health Programme, European Agricultural Fund for Rural Development (EAFRD), and European Maritime and Fisheries Fund (EMFF).

Some instruments were adapted to short-term objectives related to the Syrian Crisis. As an example, it is worth mentioning the inclusion of reception centres and shelter building, infrastructural development in hotspots, and sanitation and water supply in ERDF eligible actions.

At present, the Commission has launched a **public consultation on the Multiannual Financial Framework**, including EU funds for Cohesion Policy and EU funds in the area of migration. As mentioned, the EU Commission also shared a short reflection on budget in its contribution to the EU Leaders' thematic debate, last December.

The public consultation refers to AMIF as the main financial support tool to develop the European Agenda on Migration as a comprehensive policy framework embracing the different facets of migration whose main objectives are defined as: "addressing the root causes of irregular migration and forced displacement, improving border and migration management including the return of irregularly staying third country nationals, tackling smuggling networks, helping those in need of

protection, further developing the Common European Asylum System and enhancing legal pathways to Europe, as well as supporting integration of migrants in our societies". This instrument excludes the external dimension of migration work, which is not within the scope of this part of the consultation.

Some of the policy goals identified by the Commission fall very much under the actions for which regions are important players, such as "meeting the reception needs of asylum seekers, refugees and other migrants", and "supporting the work of Member States to accept and integrate migrants into their societies". It is not hard to understand behind this wording, as well as from the Commission's December paper, that the aim is to reinforce AMIF as a tool to meet the Member States' needs, and to be share-managed with them.

The text of the Consultation refers to the possible contribution of European Structural and Investment Funds "to the medium to long-term integration of legal migrants in our societies: programmes combating poverty and enhancing social inclusion can include the immediate needs of migrants and refugees amongst their priorities" and "work to support education and training benefits for legal migrants at all stages of integration" (sic). Interestingly, there is no reference to migration and asylum in the Public Consultation on the area of Cohesion Policy.

2.4. 2015-2017, from the crisis to the need for an EU policy, lessons learned

The Migration Agenda proposed by the Commission in 2015 is lacking consensus among Member States as has been the case all along the European Migration and Asylum construction process. The CEAS has never been a proper EU system, and its common rules have never been consistently implemented in all Member States. Despite the 2013 reform, the CEAS has proven not to be the set of tools the EU needs to provide both appropriate EU responses to the humanitarian crisis and ensure solidarity among Member States.

Besides the unacceptable (and preventable) suffering of asylum seekers on European soil, the EU itself has been harmed in substantive areas such as freedom of movement, fundamental rights and social cohesion.

Despite the fact that refugees and migration are usually the sole competence of Member States, refugees and migrants fall within the scope of regional and local programmes and policies. Both regions of first arrival and regions of destination have been instrumental in newcomers' assistance and accommodation, in services provision and in social inclusion efforts, in line with or beyond their formal competences. Moreover, they have been also instrumental in tackling non-returned asylum seekers whose claims have been considered unfounded, as well other kind of left-apart people, including those of secondary (and further) movements within the EU. Basic needs of human beings should be met in such a critical situation. Indeed, local populations' concerns should also be addressed.

This crisis has shown that the EU must increase its internal and external capacities to tackle humanitarian crises complying with EU and international legislation. Both regions of first arrival and of destination of big numbers of refugees have been and are operational to that end. We will focus now on how they work on migration and asylum, in order to better acknowledge their experiences. We suggest that recognising the multifaceted character of human mobility, both with regard to migration and refugees, and reinforcing multilevel governance can increase EU capacities.

3. Regional Formal Competences in Asylum and Migration Policies

Immigration policies have traditionally been the exclusive competence of states, given that they impact upon two of their crucial elements: their territory and their population. In most of the EU countries, matters related to migration, asylum and border controls are basically handled by central governments, and as it has been said, they are reluctant to lose control on these topics both via supranational or subnational actors.

Across Europe, competences on immigration and integration policies in state, regional and local governments vary significantly, reflecting differences in competence and relations between levels of governance. Border control, admission policies, nationality, asylum, and general integration frameworks are usually the sole responsibility of the central state government⁴. Regions and cities also are usually responsible, through formal competences or via practice, for integration policies in fields such as employment, education, housing, health, social services, etc. An increasing number of municipalities have adopted their own local integration plans or undertake specific initiatives in this area. NGOs also play a role, providing services, or supporting the work of different administrations. Finally, some regions do not have any particular competence on migration and refugees, or in social services, which are provided by central governments or local authorities. This complex institutional landscape reflects the transversal and interdisciplinary nature of integration and makes it particularly challenging to conceive and implement coherent and coordinated policies between the different policy areas and governance levels.

Entry processes and residence permits for foreign population are national competences and are managed by central bodies (mainly courts and police) around the national territory. Rights and obligations are related to these resident or labour permits, usually compiled in laws relating to foreigners. However, in some cases, local or regional authorities may grant certain rights through an administrative resident registration (this happens in Spain and in some Swiss cities), thus not only enabling successful integration but also creating conditions for possible subsequent “official” residence status and even naturalisation. Similarly, family reunification is usually a national competence, regulated by the national immigration laws. National authorities provide family reunification permits, without interaction with regional or local authorities. On the other hand, regional governments usually provide access –directly or in cooperation with local authorities or NGOs– to basic services to migrants and refugees who arrived without further notice to their territories.

The imbalance between these two frameworks implies identifying a first challenge for regions in the European Union, which is to promote further inter-administrative cooperation and multilevel governance on migration and asylum topics.

3.1. Competences of the Regions in reception and accommodation of asylum seekers

The initial reception and the long-term integration of asylum seekers and refugees needs to be organised in close cooperation with regional and local administrations, to ensure that the needs of different groups –both asylum seekers and members of the local community – are taken into

⁴ Shared competences in some topics according the Title V of the Treaty on European Union.

account. Reception of asylum seekers includes the need for proper accommodation, education, information provision and organisation, alongside the need for adequate finances.

Accommodating refugees and asylum seekers in both temporary and permanent housing is a major challenge in the EU. With many countries under pressure to provide social and affordable housing for their own populations and varying national measures and perspectives on how to provide adequate housing for refugees, the European response is to date somewhat fragmented.

In most of the EU countries, competences in reception and accommodation of asylum seekers are in the hands of central governments. They are the ones who decide on the model to be developed in the country, mainly through a central accommodation system or the participation of regional authorities, local authorities or civil society.

In most of the EU countries, there are normally centralised reception centres where the refugees are welcomed upon arrival and stay until finding their own place. Length of stay and conditions are different in each EU country, despite the EU directive on this topic. These reception centres, also called initial accommodation centres, may be run directly by public administration or subcontracted to private companies or NGOs. In general, the accommodation system also includes different options for long-term accommodation: both in countries that have first reception centres; countries that directly provide accommodation through local and regional authorities or NGOs, or countries that have both mechanisms for accommodating refugees and asylum-seekers.

The role of municipalities and the role of NGOs in providing accommodation is the widest option in the EU countries, and regions could play a role in supporting these actors and providing information at most. The clear exception is the German case, where the Federal States (*Bundesländer*) are responsible for the accommodation and care of asylum seekers. The States usually operate the initial reception centres for asylum seekers and the local communities are responsible for the accommodation of asylum seekers and refugees at a later stage. Local communities receive newly arrived asylum seekers and those who are distributed from other States or communities.

In Germany, asylum-seekers are proportionately distributed across German regions according to tax revenues and total population. The federal quota system for allocating refugees to states within Germany strives to be fair, equitable, and efficient, as it distributes refugees in accordance with a long-standing formula for distributing federal resources based on tax revenues and total population.

In most of the countries, accommodations are spread across their territories but, generally speaking and besides the German case, regions do not have competences to participate in the distribution system. In fact, if distribution across the territory is done by NGOs (according their infrastructures) or municipalities (according their demands), the role of regions could be really neglected. In that sense, sharing information and providing a better role for regions could be a demand to be put to most of the EU central governments.

With the exception of Germany, regions have not been involved in the relocation system defined by the European Commission, and none of them has developed private sponsorship programmes. Nevertheless, some of them have developed regional programmes to support asylum seekers and refugees when they are out of the central system of reception and accommodation.

3.2. Competences of the Regions on reception and accommodation of migrants and non-returned asylum seekers

As it has been said before, central governments handle the competences on reception and accommodation of migrants. Beyond the reception stage, most of the regional governments have competences on the so-called integration policies, to facilitate the incorporation of foreign nationals into society and to facilitate their access to public services. In the case of Spain, all regions are competent to issue the State with an Integration Effort Report (for the renewal of residence authorisations), a Housing Conditions Report (for family reunion); and a Social Integration Report (for regularisation purposes). Regions may delegate the latter two to the municipalities. Furthermore, the services for initial work authorisations related to foreign residents in Catalonia have been transferred to the Catalan government. In any case, the final residence authorisations continue to be the responsibility of the State.

3.3. Competences of the Regions on diversity management, social inclusion, and integration policies

As part of integration processes, regional authorities adopt plans, set up facilities, implement reception measures, and provide services that are essential to the integration of migrants and the protection of their rights. This means regional authorities play a key role in providing (or funding services provided by NGOs or municipalities) in topics such as education, housing, social support, legal assistance, help with finding employment, training, intercultural mediation, language courses, financing microprojects, information campaigns, etc. Similarly, most of them take action to combat discrimination and segregation and promote intercultural dialogue and social cohesion. Employment services are usually different for nationals and foreign populations.

Most of the regions understand inclusive basic services to cover the whole population by tackling discrimination in access and provision, and only providing specific services (mainly related to first stage of arrival) to the migrant population.

Regional governments also promote projects involving cooperation between different stakeholders. Sectorial conferences are developed in different regions to discuss topics related to the migrant population, in which NGOs, civil society representatives and different levels of administration participate.

In particular, in regions where the agriculture sector is still strong, specific reception and accommodation services are provided to temporary migrants.

In different regions, special attention is paid to unaccompanied minors. In the case of Spain, regional governments are in charge of the guardianship of minors, so regional governments should provide accommodation and access to services also to unaccompanied foreign children.

4. The Role of the Regions as Key Players on Asylum and Migration Policies

This chapter of the document includes relevant practices from the CPMR regions that participated in the organisation's internal survey⁵ to its member regions on "*Migration management in the CPMR Regions: reception and integration measures, needs and potential, towards a multilevel migration management*". The information included in this document about the practices is not exhaustive and is principally meant to show the role of the regions.

4.1. Relevant practices on reception and accommodation of asylum seekers

Asturias

Protocol for the refugees' reception and relocation/integration between Regional Government and Red Cross Asturias has created a Monitoring Committee joined by 3 members: Red Cross Asturias, Presidency Regional Ministry and Social Affairs Regional Ministry. Development Cooperation Regional Agency (as part of Presidency Regional Ministry) is the actual coordinator and the only communication channel. The Monitoring Committee is supposed to meet every 3 months in order to follow up the implementation and interpretation of the protocol and to draw up an annual report with the main achievements. The Asturian government also establishes procedures for coordination with local authorities, mainly related to education, in order to guarantee minors access to the educational system in 24-48 hours.

Attiki

The region has contributed to the creation of hosting centres in the municipalities of Elaionas, Palaio Faliro, Hellenikon, Galatsi, Piraeus, Lavrio, Nea Makri, Malakasa in cooperation with the aforementioned municipalities. The 'Elaionas Refugee Camp' (Temporary Accommodation Structure for Third Country Nationals) is the first formal Open Refugee Hosting Structure in Greece: the objective of the structure is to ensure decent accommodation for the refugees in Athens, under humane conditions. The 'Elaionas Refugee Camp' operates under the supervision of a 3-member management committee, by the Ministry of the Interior and Administrative Reconstruction, the Ministry of Labour and Social Solidarity and the Ministry of State. After two successive extensions, the structure covers an area of 37 ha on the outskirts of Athens and away from residential areas, with total capacity of 2 500 persons.

The region has also carried out different vaccination programmes in different temporary camps.

Basque Country

The Basque Country signed on 15 January an agreement with the Spanish Government to launch a pilot experience to cooperate in the reception of refugees in order to fulfil the relocation and the resettlement commitments. The Pilot Project is called AUZOLANA and is coordinated by the Secretariat for Human Rights, Coexistence and Cooperation in collaboration with other Departments of the Basque Government and the rest of the Basque Public Administrations.

⁵ The full results of the internal survey are confidential and being used by the organization to compile a more extensive mapping exercise, which is not the purpose of this issue paper.

Catalonia

The Government of Catalonia has set up the Refugee Catalan Programme to develop and implement an operational programme regarding subsidiary protection, refuge and statelessness, with the collaboration of local entities and the civil society. The programme is addressed to refugees in Catalonia ending the national programme in Catalonia without having achieved sufficient autonomy (and exceptionally, other refugees at risk of exclusion). The programme grants financial resources for basic needs and a mentoring support mechanism. The mentoring programme is open to all citizens and includes a training plan. After that, a mentor is assigned to each refugee or refugee family to help in questions related to daily life (language, contacts with administration, local guidance, etc.). Mentors and refugees should sign different agreements to access to the programme and to guarantee their commitment.

Murcia

The Region of Murcia is preparing a Regional Action Plan for Refugees and beneficiaries of international protection, and it has developed a set of actions regarding refugees. The region is training public servants at regional and local level about refugees. There are periodical coordination meetings with the NGOs in charge of the National Accommodation System in the region (Accem, Cepaim, Cruz Roja and Murcia Acoge), municipalities and regional departments such as Health, Employment, Education and Housing, and there is a protocol to collaborate with these NGOs to help in the social and labour integration of asylum-seekers and beneficiaries of international protection.

4.2. Relevant practices on reception and accommodation of migrants

Sicily

The Sicilian Region defines the standards of services (first hospitality, health, education). There is a new Special Immigration Office (Ufficio Speciale Immigrazione – USI), which cooperates with organisations and NGOs to coordinate actions and activities in the regional territory regarding the migrant population.

Tuscany

Since 2011, the Region has oriented its strategy to implementing a widespread welcome model in medium to small scale structures in order to foster greater integration of migrants within host communities.

The region has carried out an in-depth study on the best practices of reception and integration implemented in Tuscany⁶ in order to: transfer knowledge and skills to regional territory through the collection and sharing of effective experiments with SPRAR centres (ASIP and Refugee Rescue Services) and CAS (Extraordinary Accreditation Centres), which have brought a community value of cohesion; build and share the service requirements that a SPRAR or CAS centre must fulfil to manage the currently existing criticalities and deliver effective, efficient and quality services; and develop public and regional policies by identifying incubation / support and implementation forms, meeting the needs that the territory currently expresses through the acquired knowledge and skills developed by the SPRAR and CAS Centres.

⁶ After a long participatory process, the region issued a white paper on the reception policies explaining the “Tuscan Model”.

4.3. The most relevant regional practices on diversity management, social inclusion, and integration policies

Andalucia

The Andalusian government has developed different strategic plans: the current III Integral Plan for Immigration in Andalusia is based on 11 areas of intervention and has 67 general objectives and 172 measures. It includes 683 indicators and has a budget for 2014-2016 of €426,823,458.

Azores

The Regional Advisory Council on Immigration Affairs was created in 2002 with competences in immigration matters with the purpose of ensuring the participation and collaboration of associations representing immigrants, social partners and social solidarity institutions in defining and coordinating policies for social integration and combating the exclusion of immigrants. Its competencies are to ensure the hearing and representation of public and private entities that, within the Region, carry out duties related to immigration; to participate in defining measures and actions aimed at improving the living conditions of immigrants and monitor their implementation, in order to better coordinate actions among all partners and intervening entities; and to participate in the defence of the rights of immigrants, with respect for their identity and culture, among others.

Fife

Fife Migrants Forum has experience of all nationalities relocating to Fife, they run befriending services, conversational cafes, and support to minority groups on funding applications, etc.

Lazio

PRILS (*Piano Regionale di Integrazione Linguistica e Sociale degli Stranieri*) funded by AMIF funds, manages the cultural linguistic mediation service at the Sportello Unico Immigrazione of the Prefecture of Rome. The PRILS project is aimed at ensuring the linguistic and social integration of foreign nationals, even of younger age, from third countries and resident in the regional territory. It envisages the increase of training services aimed at promoting knowledge and respect for the covenant provided for in the "Integration Agreement" through training, information and cultural linguistic mediation.

Navarra

The report of the Navarra's Ombudsman on the situation of foreign unaccompanied minors in Navarra (*La situación de los menores extranjeros no acompañados en la Comunidad Foral de Navarra*) is an example of accountability in the regional action towards this collective.

Norrbotten

Region Norrbotten and local authorities have a close cooperation. All local authorities are included in the RAI (Regional Cooperation Group) which is a broad-based working group that addresses integration issues in the region. NGOs play a very important role, for example regarding social inclusion and welcoming new citizens. The RAI includes NGOs, for example Red Cross and Swedish Church. Activities for asylum seekers are held with government means.

There is also a regional action plan for integration and growth (HIT) that includes proposals on how an integration and diversity perspective can be developed and linked to regional development. HIT takes its starting point in existing strategic documents and regional agreements. Thus, the content

is based on the national strategy for sustainable regional growth 2015-2020 and the Regional Development Strategy in Norrbotten 2020 - RUS.

Occitanie

The region supports a programme to facilitate access to higher education for asylum seekers, refugees and beneficiaries of subsidiary protection. The students were selected in refugee camps in Jordan and will benefit from a scholarship programme financed by the Occitanie region, the United Nations High Commissioner for Refugees and the Federal University in Toulouse.

Päijät-Häme

Finnish municipalities are responsible for drawing up, implementing and developing an integration programme and for monitoring its implementation and impact. When as a rule the Finnish municipalities have individual integration programmes, Päijät-Häme region and its three neighboring municipalities make an exception having a joint Regional Immigration Programme 2016 – 2020, which was adopted by the Board of the Regional Council. The Regional Immigration Programme 2016 – 2020 was prepared under the guidance of the Regional Council of Päijät-Häme in cooperation with the Regional Integration Service Point (RISP). The RISP is a joint municipal service, the only of its kind in Finland, and it offers information, guidance and consultation on matters related to immigration. The service area of the RISP covers the whole Päijät-Häme region and its three neighboring municipalities. The regional state authority (ELY Centre) has also appointed a joint Regional Committee for Immigration matters for the regions of Häme and Päijät-Häme. The task of the committee is to develop and plan the integration of immigrants on very practical level and to promote non-discrimination. There are several more or less formal groups cooperating in matters such as childcare and schooling, adult education, housing, preventing extremism, a group in the Lahti area and another one in Heinola, cooperation on integration matters and reception centres, groups for social- and healthcare, the tertiary sector, etc.

Skåne

The Swedish Government has reintroduced regional reporting requirements concerning integration and diversity in regional development & growth efforts (2018). This gives Swedish regions a clear mandate to act. Regions will annually report how a strategic and long-term work for integration and diversity is pursued and developed, as well as the results that this entails or is expected to entail. Regional growth responsibilities include integration work linked to skills needs, housing, physical planning, innovation skills, attractiveness, entrepreneurship, public health, culture, demographic challenges and democracy.

Region Skåne has formed a special integration committee to map the region's efforts in the field of integration broadly defined. The purpose is to design a strategic position based on activities conducted, including a model for how funds can be used. Five activities in regional integration work have been defined:

- Vision work on inclusive growth.
- Learning about inclusive growth, from an integration and equality perspective.
- Work models for integration and equality in Skåne.
- Cross-sectoral work (public actors, industry, non-profit sector) with integration and equality from a growth perspective.
- Process work focused on inclusive growth, integration and equality will penetrate Region Skåne's mission.

The “Skåne Agreement” is a letter of intent on cooperation between idea-based organisations in Skåne, Region Skåne and the County Administrative Board of Skåne. The agreement is a tool to achieve the goal of the Regional Development Strategy for an open Skåne, where everyone has equal value. The agreement will contribute to strengthening democracy, increasing participation and reducing exclusion in Skåne. The agreement aims to create a society in which the different societal sectors together try to find sustainable solutions. The first agreement was signed in 2010 by a number of idea-based organisations and the Region of Skåne. The current one was signed in 2014 . During the Spring 2016, the County Administrative Board of Skåne also joined the agreement.

Valencia

The Valencian government promotes the Pangea Network (Red de Oficinas de Atención a las Personas Migradas (Pangea) to facilitate the social and labour integration of immigrants and emigrants.

Also in the Valencian Community, the City Council of Valencia signed an agreement in February 2016 with the OSCE Office for Democratic Institutions and Human Rights to train local law enforcement officers in recognising, understanding and investigating hate crimes. The TAHCLE programme, launched in 2011, provides tailor-made training for law enforcement officers to fight against discrimination and hate crimes.

Västra Götaland

Refugees and migrants are a shared responsibility between the municipalities and the Swedish national government. The Regional authority of Västra Götaland is responsible for public health, public transport and regional development. One of the goals in the Regional Development Strategy (VG 2020) is to: “end exclusion and segregation and strengthen the links between education and working life”.

In this framework, the region sees integration as an important aspect for regional development and therefore allocates resources towards different initiatives targeted towards this group. These initiatives are accompanied by coordinated calls within both the Regional Development Fund and the Social Fund. By pooling different sources of public funding it is possible to reach a larger target audience.

As a matter of fact, it coordinates integration initiatives for refugees with experience within the regional strength areas, such as food and green industries. One of the most prominent examples is “Future kitchen”. An initiative targeted towards the need for staff and skilled labor in the public food industry.

Currently there is a lack of staff in these areas, posing a severe threat towards hospitals’ and schools’ operations. In this sense, the Region has a high need for healthcare professionals. Therefore, and with its own resources, it searched for immigrants with doctor or nurse education, gave them education in Swedish and helped them to get a degree in medical care, helping also with the approval process of their qualifications according to Swedish standards. The result has been an improvement in the quality of the healthcare to citizens.

Solving the challenge with migration requires cooperation throughout Europe, which is why Region Västra Götaland is coordinator in Fast track Integration in European Regions (FIER). FIER is an EU funded project (EaSI program), which aims to make the skills of immigrants better and more visible by introducing validation and competence assessment, support utilisation of individual skills of refugees’ and test new formats of language courses combined with work experience.

Vest-Agder

To organise upper secondary education for adults (25+), Vest-Agder County Council cooperate with the Norwegian Labour and Welfare Service and the municipalities of residence, who offer all migrants introductory courses and/or lower secondary school. At the county's Career Centre, the migrants can get their prior learning and experience assessed and receive guidance in the form of an individual plan for further education and training.

The county council offers migrants education at two levels. After assessment, they can either follow courses that give a trade certification/admission certificate for university or a diploma for partial competence. Migrants with little or no education can follow "learning by doing" courses and get a diploma for partial competence – demonstrating what they have learned. This partial competence diploma can be "a ticket to their first job".

5. Conclusions and Recommendations

5.1. Building a regions' strategy on migration and asylum policies

Many local and regional authorities, especially those at the external borders and at main destination countries, are particularly affected by growing flows of migrants, asylum seekers and refugees, as these authorities have the obligation to receive and integrate them. The Committee of Regions has frequently pointed out that the global approach to migration requires multi-level governance, ensuring that regions (and local authorities) should be involved, and recognising their key role in promoting and implementing social, employment, reception and integration policies, in managing irregular migration and in establishing dialogue and cooperation with their counterparts in countries of origin and transit.

Regions should work for increasing acknowledge of their role on migration and asylum policies and action, including implementation of EU relevant legislation and programmes.

Both regions of first arrival and regions of destination are today facing comparable and related pressures. Regions can help the EU to move from a *receiving-versus-accommodating regions cleavage* to manage migration and asylum, welcome and integrate refugees, accommodate and integrate migrants, as well as manage diversity in a more integrated EU Space of Freedom, Security and Justice.

One of the main challenges faced by all communities affected by asylum inflows includes the need to provide appropriate accommodation for asylum seekers and refugees. Solutions from main destination regions of Sweden or Germany could be useful to inspire Southern European regions, that are struggling with organising the reception of asylum.

There is a need to build a more common wording (to illustrate this, we might mention that private sponsorship of refugees is understood as private cooperation in migration topics for some of the regions responding the questionnaire for this assessment). There is a need to provide better training in migration and asylum topics, especially for public staff, including local police.

A robust and permanent dialogue between the institutions and actors concerned is essential in this respect.

5.2. Multilevel Governance Scenario: recognition of migration and asylum policies as multilevel and cross-cutting policies

Regional competences on migration and asylum topics are generally minimal in all EU countries. But regions clearly have competences on providing public services. Migrants and refugees fully fall under many of their competences, programmes, policies and actions. To overcome this situation, better systems of information on migrants and, especially, refugees and asylum-seekers in each region, should be developed by central governments, along with regions.

Migrants and asylum-seekers impact the provision of public services. Beyond the first reception services (focused on language skills and basic services) which could be devoted to migrants or newcomers, there is a need to facilitate their further inclusion into society. Diversity should be included as a transversal axis of general public services, and regions are operational in doing this. Other administrations should recognise and support the inclusion of diversity as a transversal axis, over migration and asylum welcoming strategies.

At regional level, offering a set of rights for migrant residents, based on international conventions and laws could be seen as a starting point for most local authorities, to be complemented with regional (like EU) and national regulations.

Providing information about actions taken by government is of central importance to organise a better provision of public services. Furthermore, is also key to reducing negative reactions in the local population.

According to their competences and complying with the legal principal of the child's best interests, regions are instrumental in providing adequate reception conditions and effective guardianship. Many of them are granting access to education -including leisure-, to health care -including psychosocial support-, and other immediate needs of children. They do also work on family care, and they work with children and their families on further social inclusion programmes. To a large extent, they contribute to achieving the goals established by the Commission's Communication on Protecting Children in Migration⁷. The role of the regions on effective guardianship and protection of unaccompanied minors is particularly relevant. Multilevel governance is a matter of concern in this area. Procedures such as reliable age-assessment procedures, family tracing and those related to family reunification, as well as other state competences, should be better combined with effective regional guardianship and protection actions. Budget allocation should be also consistent with each institution role.

Regions are operational in post-welcome social inclusion for refugees and migrants, within their own competences and public policies; migration is not sufficiently recognised as a multifaceted, cross-cutting and multilevel issue by the EU, as it only gets the (fully legitimate but not at all comprehensive) view of the Member State Central Administrations, especially Home Affairs.

Regions should also be taken into account as a source of relevant information for decision taking. Their say should be channelled and taken into consideration also at EU level.

Regional authorities should guarantee the right to education for all children, and efforts should be made to reduce the waiting periods for children to be enrolled in schools. The availability of language training and integration classes are important elements, but the main goal is to avoid segregation in schools as far as possible. Cooperation among different levels of administration is key in this, and other goals, to better protect the interest of refugee and migrant children.

Throughout the Issue Paper, it is pointed out how migration and asylum are multifaceted and cross-cutting issues. To address the main difficulties, seize all opportunities and build a consistent governance, it is necessary to ensure a strong involvement of all administrations and political bodies concerned. Find below the analysis of some particular aspects of this need for multilevel governance.

5.3. The Regions' contribution to the 2015 Agenda for Migration

5.3.1. Recast CEAS

Today both regions at the front line and regions from countries with a robust asylum system are under pressure. Both regions need a workable EU system to face short, mid and long-term challenges. The Dublin system reform is of the utmost importance to solve imbalances. There is a

⁷ The protection of children in migration, Communication from the Commission to the European Parliament and the Council Brussels, 12.4.2017 COM(2017) 211 final.

lack of consensus for a binding relocation system, which is a key instrument for a real EU system. If the system cannot be restored, a new strategy to comply with the EU Treaty solidarity clause of art. 78.3 should be proposed.

The CEAS has proven not to be the tool for an EU system providing appropriate EU responses to refugees and asylum seekers. Solidarity between all EU territories and thus to victims of humanitarian crises has not been achieved. Doing the same things with more pressure is not necessarily the best approach. The Dublin system's weaknesses should be better addressed in the reform proposal, including solidarity with front-line regions, and a sharing of responsibilities, avoiding the so-called secondary movements within the EU. Taking into consideration individual preferences based on personal links and skills can help to avoid secondary movement within the EU.

Regions and cities have never been mentioned in the current CEAS, nor in the reform and recast proposals. The words region / regional do not appear even once. Nor do the words city, municipality or local. The role of the regions is of the utmost importance in implementing EU legislation. This role must be acknowledged. The need to promote further inter-administrative cooperation and multilevel governance on asylum should be recognised to create a more sensible and effective system, without prejudice to the competences of the Member States.

The regions' role is particularly important in the implementation of the Directive of Reception Conditions. Article 27.1 (new) of the reform proposal indicates that the Member States should establish "the mechanisms necessary to ensure that adequate guidance, supervision and control of the level of reception conditions are established", "respecting its constitutional structure". The proposal should recognise the need to include regions in these mechanisms.

For the purposes of article 27 of the Directive, the European Asylum Support Office and the future European Union Agency for Asylum can take advantage of the information and knowhow of the regions in the effective implementation of the Directive and other relevant experiences in the welcoming, accommodation and social inclusion of refugees.

National contingency plans under article 28 (new) should also be carried out respecting Member States' constitutional structures, and including all capacities and actors within Member States. Regions should participate in this exercise with Member States and - where appropriate and in full respect of Member States competences - with EU institutions and agencies.

As seen below, the regions are especially operational in the provision of some of the reception measures envisaged in the proposal for a Directive, especially in housing and accommodation, guarantee of education of minors (including leisure), access to language courses and other training services and guidance, including professional training and labour market access policies. Basic social services and guidance for obtaining health care, as well as care for people with special needs, are also linked to the competences of the regions, and to their public policies. The EU's efforts to enhance and balance the Asylum System should recognise its territorial dimension and the role of the regions, which should be mentioned in the reform proposal. EU resources should be allocated to this.

Besides welcoming and accommodation, the regions, together with other local powers, have in almost all Member States different levels of responsibility to facilitate refugees' inclusion and integration. And in all, without exception, they incorporate into their public policies social inclusion measures, as well as local development strategies among whose beneficiaries are the refugees. Including refugees in local development strategies is very important for the long-term success of

the reception and accommodation strategies and for the cohesion of local communities (including newcomers). Refugees (along with migrants and citizens of different cultural backgrounds) can be an asset for local development, but proactive effort should be devoted to that aim. The European Commission should include this objective in its strategies and financial instruments.

The EU and Member States need to know that the basic needs of asylum seekers whose claim are considered unfounded but who are not yet (or cannot be) returned should be attended to. Regions are faced with this situation, and with the possible difficulties of the *de facto* host communities. Member States and the EU should take this into consideration and provide both a channel and resources to tackle these situations.

This is also the case for asylum seekers and refugees in internal secondary movements. The disincentives foreseen in the Directive in terms of reception measures, can be problematic at local level, as they can put more pressure on local and regional services to cover basic needs. This is of the utmost importance for minors and people with special needs.

Refugees have the right to be welcomed in a peaceful environment. Local communities have also the right to enjoy such an environment. The role of the regions in intercultural action (coping with refugees' accommodation and working with the inherent diversity of our societies), and social cohesion is crucially important. These objectives should be clearly stated, and the role of regions and cities in achieving them should be further promoted and backed by EU institutions.

Legal avenues are a key tool both to better protect refugees and to enhance communities' cohesion. The regions can increase EU reception capacities for legal and formally channelled refugees' reception, and they should be taken into consideration for such a goal. They can be instrumental in identifying innovative schemes for resettlement, together with cities and NGOs, and including private sponsored approaches.

The granting of international protection, as well as procedures, are normally the sole competence of States. Nevertheless, as previously shown, some regions are involved in parts of the procedure, normally in accreditation of certain conditions to be complied with for administrative purposes, or information needed for decision taking. This should be taken into consideration, and regions should have a say on their needs to properly implement EU decisions. Monitoring EU internal movements of refugees is one of the issues that can increase administrative burden for regions. Channelling regional information for decision taking is important, but their effort should be backed with the appropriate resources.

5.3.2. Building the so called 'legal migration strategy'

A more open debate on migration and how we can manage it in a globalised world is really needed. Irregularity should not be at the core of migration processes. The regional and local powers should be part of this debate, as they have an important role in migration policy. Indeed, regions have to meet the basic needs of their *de facto* population that is neither channelled through legal paths nor returned.

The Commission should develop the Migration Agenda's Chapter III.4, and move on to propose a holistic and consistent migration management for all migrant categories, in line with the needs of a better managed migration in the globalised world, and contributing to international governance of migration.

The Commission and Member States should recognise the role of regions in social inclusion, integration and community building, for which purposes they need to meet the needs of both *de jure* and *de facto* residents, as well as those of society as a whole.

Beyond these topics, regions could also play a role in the external dimension of migration and asylum policies. Very soon (February 7th), the European Commission will hold a public consultation on the EU External Financing Instruments: this is a particularly important moment to (re) design programmes which address migration and refugees; and it could also be an opportunity for regions take a step forward to play a role in these topics.

5.3.3. EU Financial Instruments

5.3.3.1. AMIF

As the main tool for migration and asylum actions in the EU, AMIF should include areas relevant to EU regions:

- Asylum seekers reception
- Immediate needs of asylum seekers and refugees.
- Asylum seekers, refugees and migrants welcoming and accommodation.
- Removing the main obstacles for asylum seekers' labour market access, social inclusion and integration.
- Removing the main obstacles for migrant's social inclusion and integration.

The central role of Member States in migration competences makes it very difficult to change the AMIF's governance model. Territorialising is not an option. Nevertheless, as regional and local powers are an inherent part of the system:

- The European Commission should require Member States to engage regions in their National Programmes for those areas in which the regions have legal competences, including the fund's allocation.
- The European Commission should require Member States to engage regions in their National Programmes when regional action is needed for the implementation of EU and Member States' goals, including the fund's allocation.
- The European Commission should recommend Member States to engage regions and municipalities in the National Programmes when their participation can add value to EU-national actions to achieve their goals, including the fund's allocation.

Other AMIF goals to be shared with regions are:

- Exchange of best practices, with the aim of enhancing European convergence of migration and asylum policies.
- Regions and local authorities can add value to voluntary return through their own local social services, and also through their international cooperation projects.

5.3.3.2. Cohesion Policy

The CPMR has shown its main concerns in relation to the Public Consultation on Cohesion Policy. Focusing on migration and asylum, some general aspects must be particularly pointed out, and a more concrete scenario can be drafted. The future Cohesion policy should take into consideration that:

- Reception and short term needs of asylum seekers, as well as immediate needs of migrants (when needed) are structural parts of migration and asylum policies, as also are accommodation policies. These actions are very relevant for further integration and should be linked with social inclusion strategies both in migration policy and as a cross-cutting issue of public policies.
- Migrant and refugee are not a permanent but a temporary status. Addressing the inherent **diversity** of today's European societies should be a cross-cutting objective of all EU, national and regional policies. Diversity can be especially challenging in less wealthy environments. Tackling these situations is not mainly a migration policy. Working with migrants' and refugees' social inclusion is needed, but tackling social exclusion in less wealthy and diverse areas goes far beyond migration policy, as today these communities are composed mainly of EU citizens.
- Migration and diversity in a global world contains development opportunities to be seized upon. Providing support for innovation, digitalisation, reindustrialisation, SMEs, and employment, are Cohesion Policy objectives which can and should include migrants' and refugees' accommodation and social integration as concrete goals.
- Cohesion should be linked to solidarity; territories and communities should take advantage of actions aimed at social cohesion and integration. Intercultural action should be a relevant part.

For the public consultation on Cohesion Policy funds, when addressing migration policy, the following specific points should be taken into consideration to draft the future scenario:

- Territorialised Cohesion Policy and decentralised funds management is an important asset for the multilevel governance of migration. The role of regional and local authorities should be reinforced in this area.
- Migration policy should be holistic and should include accommodation and integration policies. When the European Commission talks about the complementarity of Cohesion Policy funds and migration instruments, it is important to guarantee that this complementarity means in addition to (not in spite of), also regarding financial resources.
- Very short-term actions such as meeting the reception needs of asylum seekers and immediate needs of migrants (when those should be covered) are a structural part of asylum and migration policy and must be addressed by funds linked to the area of Migration. Enough resources should be allocated for these purposes.
- Infrastructures aiming to enhance reception capacities should be considered eligible actions under the ERDF.
- Other mid and long-term actions enhancing social inclusion and integration of migrants and refugees should be included in the ESF.

- Local development strategies should include migrants and refugees as an asset. Intercultural action is a key tool to ensure their access to the labour market and full inclusion in economic activity.
- Territorialised and decentralised management of Cohesion Policy is an asset to help meet the mid to long-term objectives of Migration policies, and better ensure complementarity with AMIF actions.

The engagement of regional authorities in both Migration and Cohesion policies and their financial instruments should be seen as a key element to strengthen and to fulfil the objectives of EU migration and asylum policy, including a higher level of convergence.

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